



GALLATIN COUNTY

Evaluation Criteria for Amendments to Zoning Regulations

In reviewing proposed amendments to zoning regulations, the Commission will consider the following criteria, each of which must be addressed in your application packet.

4 Categories of Evaluation Criteria:

- 1. General criteria.**
- 2. Criteria in state statute.**
- 3. Criteria in specific zoning regulation.**
- 4. “Spot zoning” criteria.**

1. To provide general information about the proposed amendment, the following questions must be addressed:

- How will the public interest be served if this application is approved?
- What reasons prevent you from using this property for any of the uses allowed under the existing zoning? (For zone map amendments only.)
- Why is there a need for the intended use of the property at this location? (For zone map amendments only.)

2. Pursuant to state statute, zoning must be designed to:

- Conform with the County growth policy (master plan).
- Lessen congestion in the streets.
- Secure safety from fire, panic and other dangers.
- Promote public health and general welfare.
- Provide adequate light and air.

- Prevent overcrowding of land.
- Avoid undue concentration of population.
- Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- Consider the character of the district and its suitability for particular uses.
- Consider conserving the value of buildings.
- Encourage the most appropriate use of land throughout the jurisdictional area (Gallatin County).
- Be compatible with the zoning ordinances of the municipality within the jurisdictional area (Gallatin County).

3. Amendments to a zoning regulation must be consistent with each of the following provisions found in the regulation itself:

- The overall intent of the regulation.
- The intent of the zoning district(s) to be affected by the proposed change.
- Any specific provisions related to amendments.

4. Federal case law prohibits “spot zoning.” To demonstrate that a proposed amendment would not result in “spot zoning,” the following questions must be addressed:

- Are the requested zoning designation and potential uses significantly different from the prevailing uses in the area?
- Does the requested zoning designation benefit a small area and only one or a few landowners, or does the requested zoning designation benefit the surrounding neighborhood, community and the general public?
- Is the requested zoning compatible with the zoning district’s Plan, or is it special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public?